IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WA.No. 2386 of 2007

AGAINST THE JUDGEMENT IN WPC.31798/2006 Dated 06/09/2007
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APPELLANT/PETITIONER IN WP:

MR.R.O.ABDUL KALAM,
OOROTHU HOUSE, THAIKKADU VILLAGE,
ALUVAYI P.O., THRISSUR DISTRICT.

BY ADV. SRI.DEVAN RAMACHANDRAN
SRI.SANTHOSH.K.S

RESPONDENTS/RESPONDENTS IN WP:
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1. THE FEDERAL BANK LTD.,
HEAD OFFICE, ALUVA, ERNAKULAM.

2. MRS.P.S.JESIA,
STAR COTTAGE, COCHIN- 682 035.

3. MR.A.M.SADIQ,
STAR COTTAGE, COCHIN- 682 035.

ADV. MR.B.S.KRISHNAN (SR)
R2 BY ADV.MR.C.K.KARUNAKARAN
R3 BY ADV. MR.K.JAJU BABU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2386 of 2007

Dated, this the 3rd day of October, 2007

JUDGMENT

H.L.Dattu, C.J.

Though this matter is posted for admission, by consent of learned counsel appearing for the parties, the matter is taken up for final disposal.

2. Ext.P2 order passed by the Debts Recovery Tribunal, Ernakulam (Kerala and Lakshadweep) in O.A.No.370 of 2000 was the subject matter of the writ petition. The learned Single Judge has disposed of the writ petition. Aggrieved by the said order, the petitioner in the writ petition has presented this writ appeal.

3. In our opinion, without going into the merits or demerits of the case of the appellant, the appeal can be disposed of by directing the appellant/petitioner in the writ petition, if for any reason he is aggrieved by the order passed by the Debts Recovery Tribunal (Ext.P2), to file second appeal before the Appellate Tribunal as provided under Section 20 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short 'the Act') since the said remedy is not only effective but also efficacious.

4. In view of the above, the following:

Order

i) Writ appeal is disposed of without going into the merits or demerits of the case of the appellant.

ii) Appellant is granted 15 days' time from today, if for any reason he is aggrieved by Ext.P2 order passed by the Debts Recovery Tribunal, Ernakulam,

to prefer an appeal before the appellate Tribunal as provided under Section 20 of the Act.

iii) If such an appeal is filed within the time granted by this Court, we request the Tribunal to decide the appeal on merits without reference to the period of limitation.

iv) All the other contentions of both the learned counsel are left open.

v) In view of the order passed in the writ appeal, the relief sought for in I.A.No.809 of 2007 need not be considered by this Court. Accordingly, the said I.A. is rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns/DK.